
CABINET

Wednesday, 18th July, 2018

Present: Councillor Miles Parkinson (in the Chair), Councillors Clare Cleary, Paul Cox, Munsif Dad, Gareth Molineux and Joyce Plummer

In Attendance: Councillors Lisa Allen, Tony Dobson, Eamonn Higgins and Glen Harrison

66 Apologies for Absence

There were no apologies for absence

67 Declarations of Interest and Dispensations

Councillor Gareth Molineux declared a personal interest in agenda item 16 as he was a trustee of Leisure in Hyndburn.

68 Presentation- As the Crow flies, Nature on our doorstep

A presentation film showing the striking landscapes of the local nature reserves at Peel Park and Woodnook Vale was played at the meeting.

It was produced for a celebration of nature event held in early July, where distinguished guests from national, regional and local organisations joined with local people in recognising the special qualities and achievements of Hyndburn.

The Leader of the Council welcomed the presentation and reported it would be available to view via the HBC website and social media channels.

The Chief Executive, David Welsby placed on record his thanks to the Senior Environmental Initiatives Officer, Anne Hourican for the work undertaken and the exceptional results achieved with the project. The film would also be sent to the marketing Lancashire organisation.

Resolved - That the presentation be noted

69 Minutes of Cabinet

The Minutes of the meeting of Cabinet held on 6th June 2018 were submitted for approval as a correct record.

Resolved - That the Minutes be received and approved as a correct record.

70 Minutes of Boards, Panels and Working Groups

The Minutes of the Cabinet Committee- Street Naming held on 18th June 2018 were submitted for noting.

Resolved - That the Minutes be received and noted.

71 Reports of Cabinet Members

There were no reports from any Cabinet Members.

72 Core Strategy Review and Site Allocations DPD - Regulation 18(1) consultation comments and Council response

The Leader of the Council submitted a report presenting the outcome of the first public consultation exercise held on the Core Strategy Review and Site Allocations DPD (held 28 February 2018 – 11 April 2018), and to seek Cabinet approval of the proposed 'Council Response' to all formal comments received.

Approval of the report was not deemed a key decision.

Reasons for Decision

The Core Strategy Review and Site Allocations DPD form central parts of the new Local Plan for Hyndburn; the Core Strategy sets the strategic overarching planning policy framework for the Borough, including setting housing and employment growth figures; the Site Allocations DPD will identify specific sites for development to help meet the planned growth over the plan period, and also the sites to be protected from development.

In February 2018 Cabinet approved three consultation papers to be the subject of an initial public consultation exercise on the Core Strategy Review and Site Allocations DPD.

Alternative Options Considered and Reasons for Rejection

The Core Strategy Review and Site Allocations DPD were prepared in accordance with the Town and Country (Local Planning) (England) Regulations 2012. As the preparation of this document was in accordance with the legal framework there were no alternative options for its preparation.

Resolved - That Cabinet noted the outcome of the public consultation exercise and approved the proposed 'Council Response' (As per the report) to all comments received during the first consultation period of the Core Strategy Review and Site Allocations DPD.

73 Lancashire Syrian Resettlement Programme - Procurement Rules Exemption

The Portfolio Holder for Housing and Regeneration submitted a report to seek Cabinet approval for the waiver of the Council's Contract Procedure Rules in respect of the purchase of voluntary sector support for the Syrian Refugee households arriving in Hyndburn in July 2018.

Approval of the report was not deemed a key decision.

Reasons for Decision

Lancashire County Council was the lead authority in Lancashire for the co-ordination and resettlement of Syrian Refugees through the Lancashire Syrian Resettlement Programme on behalf of all Local Authorities in the County.

In January 2016 the Lancashire Chief Executives Group pledged to resettle 500 refugees under the 'Syrian Resettlement Programme' (SRP) across Lancashire. Additionally in September 2016 it pledged to resettle 75 refugees (including children and their families) under the Vulnerable Children Resettlement Programme (VCRS).

This is a 5 year programme and by the end of 2017 a total of 311 refugees (including 24 through the VCRS) had been resettled in Lancashire. This amounts to 67 households. Approximately another 70 cases / families need to be resettled over the next 2/3 years.

Hyndburn received 10 families (through the SRP) that arrived on Tuesday 17th July.

A report to Cabinet on 11 April 2018 detailed HBC's responsibilities that included the provision of voluntary sector support to the refugee households to complement and enhance the casework support service.

The Cabinet report also detailed the proposal to work with The Pennine Service Delivery Partnership (PSDP) – an informal grouping of seven local third sector organisations (Women's Centre, Adventure Hyndburn, Homewise, Maundy Relief, HARV, Community Solutions and CAB) to co-ordinate the delivery of this to the Syrian Refugee households.

It is proposed that the Council's Contract Procedure Rules are waived in order to award the contract for the provision of the voluntary sector support service detailed to the bodies comprising the PSDP without first testing the market. These organisations all have a credible track record of providing support to the most vulnerable residents in the Borough (including asylum seekers) and have worked with Hyndburn Borough Council and other local partners for many years.

Maundy Relief has agreed to be the 'accountable body' for these arrangements and it is proposed that the 'grant agreement' will be with them, with Maundy Relief responsible for distributing the funding appropriately to the other organisations.

A procurement / tendering exercise does not appear to be sensible in the circumstances as it could add to the costs in undertaking the procurement process and will cause delays in commencing service provision that needs to be in place before the arrival date in July.

The Council will enter into a legal agreement with Maundy Relief which will specify details of the services to be provided.

Alternative Options Considered and Reasons for Rejection

The Council could carry out a procurement exercise to choose a support provider for the additional services, but this is not recommended as stated in reasons for the decision.

Resolved

- (1) That Cabinet agreed to accept grant funding of £20,000 from Lancashire County Council to provide voluntary sector support for the Syrian refugee households; and**
- (2) That the Council's Contract Procedure Rules be waived in respect of the appointment of Maundy Relief (on behalf of Pennine Service Delivery Partnership – PSDP) for a period of 2 years to deliver this support; and**

(3) That the Head of Regeneration and Housing be delegated authority following consultation with the Portfolio Holder for Regeneration and Housing Services to agree the terms of the Council's agreement with Maundy Relief.

74 Appointment of Enforcement Contractor to issue Fixed Penalty Notices for Littering and Dog Fouling

The Deputy Leader of the Council and Portfolio Holder for Environmental Services submitted a report to seek Cabinet permission to waive the Council's Contract Procurement rules and for the Head of Environmental Services, in consultation with the Executive Director (Legal & Democratic Services), to enter into a 12 month pilot agreement with Kingdom Services Group Limited of Kingdom House, 1 Woodlands Park, Ashton Road, Newton-le-Willows, WA12 0HF

Approval of the report was not deemed a key decision.

Reasons for Decision

Following a review of the Council's litter and dog fouling enforcement action, Cabinet requested officers to submit a proposal to tackle the small minority of irresponsible residents whose actions blemish the local environment.

The Council does not have sufficient resources in-house to undertake a major drive to tackle litter and dog fouling within the town centres, parks and open spaces. Therefore, officers sought advice and visited neighbouring authorities that had entered into an agreement with third parties for the provision of these services.

There are a limited number of environmental enforcement contractors within the industry and one of the market leaders, Kingdom Services Group, has provided recent successful pilots for Burnley Council, Blackburn with Darwen Council and other local authorities in the North West.

Waiving the Council's Contract Procedure Rules and appointing Kingdom, will enable the Council to appoint a contractor quickly and would provide sufficient time for an agreement to be signed and allow for operations to be up and running in time for the opening of the new Accrington Town Centre square. The relatively short pilot programme of the sort proposed here would also enable the Council to gain a better picture of its long-term operational and resource requirements for a service of this type, so the Council will be better able to procure a service that meet its needs in the longer term.

Alternative Options Considered and Reasons for Rejection

It is important that this appointment is carried out quickly to ensure Kingdom has sufficient time to mobilise its resources and commence enforcement in line with the opening of the new town square in Accrington.

It would be disproportionate and there is insufficient time to go into a full procurement process at this stage for a 12 month pilot programme. It would not be sensible for the Council to procure a long-term service provider at this stage as it has limited information about the costs, effectiveness and operation of a service of this type.

The alternative option would be to seek quotations from other suitable qualified service providers within the industry for the pilot. However, Cabinet members felt the presentation

deliver by Kingdom promoting the 12 month pilot would provide the Council with useful feedback on any future proposed model of enforcement. If this pilot were to be deemed a success by members and wished for it to continue, a full tender exercise seeking submissions from across the industry would then be carried out. There is also merit in using Kingdom as they are already providing services in nearby Burnley and Blackburn, which has the benefit of consistency of approach and could provide for flexible staffing arrangements.

Resolved

- (1) That Cabinet agreed to waive the Council's Contract Procedures Rules to permit the appointment of Kingdom Services Group Limited to provide litter and dog fouling enforcement services to the Council for a 12 month pilot period for the reasons set out in the report; and**
- (2) That Cabinet delegated authority to the Head of Environmental Services in consultation with the Executive Director (Legal & Democratic Services) to agree the terms of the agreement with Kingdom Services Group Limited for the pilot period; and**
- (3) That Cabinet requested a further report as to the success of the pilot before any decision is taken as to the continuation of the litter and dog fouling enforcement programme after the pilot period.**

75 Food and Safety Service Plan 2018/19

The Deputy Leader of the Council and Portfolio Holder for Environmental Services submitted a report to provide an update on the Hyndburn Boost Project and to present the 2018/19 Food and Safety Plan to Cabinet for consideration and approval.

Approval of the report was not deemed a key decision.

Reasons for Decision

The Food and Safety Service Plan is a document that is reviewed annually to ensure the service can meet demands and set out priorities for the coming year.

The Plan has been updated to include inspection targets for 2018/19 and included a number of performance indicators.

The Plan details Hyndburn Boost Project Phase 2 that will target both compliance and non-complaint premises to improve sustainable compliance across the Borough.

The Plan includes areas of health and safety which are being undertaken this year in accordance with Health and Safety Executives (HSE) National Code for Local Authorities.

The Plan provided focus to the team, Councillors, food business operators and consumers

Alternative Options Considered and Reasons for Rejection

Without a Food and Safety Service Plan the team cannot demonstrate the demands of the service against current resources as required by the FSA nor can they meet their statutory requirements.

Resolved - **That Cabinet approved the proposed Food and Safety Service Plan as per the report.**

76 Mercer Park Skate Boarding Facility

The Deputy Leader of the Council and Portfolio Holder for Environmental Services submitted a report to ask Cabinet to support the proposal to submit a funding bid(s) to a number of funding bodies to refurbish the skate boarding facility at Mercer Park in Clayton le Moors.

Approval of the report was not deemed a key decision.

Reasons for Decision

The Friends of Mercer Park are the longest standing friends group in the Borough associated with a park. Over the years the Friends of Mercer Park have worked with the Council to undertake numerous community projects and fund raising events which have benefitted the park. The outcome of a consultation undertaken by the Friends of Mercer Park showed that local residents would like to see the refurbishment of skate park facilities in Mercer Park.

Proffitts CIC are a community interest company who have expertise in green space improvement projects and audience development. They have offered to undertake the work necessary to secure funding for this project at no cost to the Council. This is because the mechanism used by the funding bodies allows any fees for time spent on developing a funding bid to be claimed directly from them during the delivery phase of the project. Securing grant funding for a project of this size can take up to 200 hours work and undertaking the grant funding applications via this method offers a saving to the Council of approximately £5000.

Should the project be approved for funding, it is proposed that the Council appoints Proffitts CIC to act as project manager for the delivery phase of the Project. This will require the Council to waive the tendering requirement in its Contract Procedure Rules but this appears to be a sensible approach given Proffitts will be very familiar with the project at that time having worked up the bid(s) in partnership with the Council.

In addition not for profit organisations (in this case a CIC) provide best value in relation to project management fees as they only need to cover costs rather than include a profit margin, which releases more of the grant funding to undertake construction work relating to the project. This is why this way of working is being recommended to Cabinet.

Alternative Options Considered and Reasons for Rejection

Do not apply for funding and leave the skate park facility in Mercer Park in its current condition. This was rejected as the size of skate facility is quite small and the additional funding means the refurbished skate park would be a larger facility with more play value for the children and young people who use the site.

Resolved (1) **That Cabinet supported the proposal to submit a funding bid(s) to a number of funding bodies for the refurbishment and improvement of skate boarding facility in Mercer Park as outlined in the report (“the Project”); and**

- (2) That Cabinet agreed to the Council being joint applicant with Proffitts CIC in respect of the proposed application(s) for funding in accordance with the funding bodies terms and conditions in connection with the Project. The amount of funding to be applied for has not yet been finalised but is expected to be in the region of £150,000; and**
- (3) That Cabinet noted the proposal to appoint Proffitts CIC as project manager for the Project in the event of the funding bid being successful, as set out in paragraph 3.7 of the report; and**
- (4) That Cabinet agreed in principle to allocate £25,000 to the Project from the Council's 2019/20 capital programme as match funding, subject to approval of the Council's budget for 2019/20; and**
- (5) That Cabinet granted delegated authority to the Deputy Head of Environmental Services to take all reasonable steps to progress the funding bid (s) for the Project, including obtaining all necessary permissions and consents; and**
- (6) That Cabinet requested a further report be presented to a future Cabinet meeting once the outcome of any funding bid(s) was known.**

77 Universal Credit Update

The Portfolio Holder for Resources submitted a report to update Cabinet on the implementation of Universal Credit (UC) Full Service in Hyndburn.

Approval of the report was not deemed a key decision.

Reasons for Decision

Universal Credit full service was implemented in February 2018 at Accrington Job Centre Plus. Implementation was delivered by the DWP with the Council in a supporting role. Previous to full service was Universal Credit *Live* Service which applied many of the same assessment criteria but was not a fully digital platform.

Full service implementation, or 'closing the gateway' means that in Hyndburn, from February 2018 all new claims to Housing Benefit stopped with some exceptions.

In order to ensure that residents are claiming the correct benefit from mid February, HBC implemented steps to close the gateway:

Diverting or stopping claims made to HBC quickly was essential in order to prevent any delays to the claimant's Universal Credit claim.

Alternative Options Considered and Reasons for Rejection

Not applicable.

Resolved - That the report be noted.

78 Overview and Scrutiny Work Programmes 2018/19

The Chair of the Communities and Wellbeing Overview and Scrutiny Committee (Councillor Glen Harrison) and the Chair of the Resources Overview and Scrutiny Committee (Councillor Noordad Aziz) submitted a report seeking consideration of and comment on the draft 2018/19 Overview and Scrutiny Work Programmes. The Work Programmes and the Criteria for selecting items were appended to the report. Approval of the report was not deemed a key decision.

Approval of the report was not deemed a key decision.

Reasons for Decision

At the beginning of each Municipal Year, the Council's Overview and Scrutiny Committees agreed their respective work programme for the year, the process for which was set out in the Council's Overview and Scrutiny Procedure Rule C6(a).

Alternative Options Considered and Reasons for Rejection

Cabinet was the relevant body to consider the work programmes, pursuant to the Council's Overview and Scrutiny Procedure Rules.

Resolved - That the Work Programmes for the Overview and Scrutiny Committees, as appended to the report, be noted.

79 Financial Position May 2018 Report for the Year Ending 31st March 2019

The Portfolio Holder for Resources submitted a report to inform Cabinet on the financial spending of the Council up to the end of May 2018 and the financial forecast outturn position for the Accounting Year 2018/19.

Approval of the report was not deemed a key decision.

Reasons for Decision

The financial details of the report was shown as a table at the end of the report.

The spend for the first two months of the financial year to the end of May 2018 is £1,556,661 compared to a Budget of £1,553,332 giving a small adverse variance of £3,000 over the first two months of the year.

The current forecast spend to the end of the financial year in March 2019 is £11,106,000 compared to a Budget of £11,174,000. This forecast produces a positive variance of £68,000. The main areas of financial pressure are Planning & Transportation and Regeneration & Property Services.

Alternative Options Considered and Reasons for Rejection

Not applicable.

Resolved - That Cabinet noted the report and asked that the Corporate Management Team look to reduce costs and

increase income over the remainder of the year to help improve the overall financial position of the Council.

80 Huncoat Garden Village

The Leader of the Council submitted a report to update Cabinet on progress with plans to establish a Garden Village at Huncoat that can make a major contribution towards housing and employment growth in the Borough.

Approval of the report was not deemed a key decision.

Reasons for Decision

Huncoat village and surrounding area is subject to strategic housing and employment land allocations within the Hyndburn Core Strategy (2012) centred on the former colliery and power station sites. These allocations together with other land in the wider Huncoat area provide a major opportunity for meeting the Borough's future housing requirements and economic growth.

Recognising the growth opportunities in the Huncoat area Cabinet gave its consent in January 2017 for a Masterplan for Huncoat to be developed in consultation with residents and other stakeholders.

The Masterplan and Delivery Strategy will set out a shared spatial vision and development objectives for the proposed Garden Village. It will provide clarity on the development, design, infrastructure and financial requirements needed to implement the proposed Garden Village. Critically it will de-risk and provide certainty to the market and others on the planning requirements and lever in private finance and any public sector funding that may be needed.

The Garden Village Masterplan and Delivery Strategy will determine a new preferred spatial vision for Huncoat. This will in turn feed into the Council's Site Allocations DPD which is the formal mechanism through which any site allocations for the proposed Garden Village will be permitted and subsequently considered as part of the Council's review of the Local Plan.

To summarise the Masterplan and Delivery Strategy will consider and recommend a new site allocation boundary for the proposed Huncoat Garden Village based on the study area at Appendix 1 and a robust funding and delivery strategy. This will be identified following a rigorous option testing exercise to assess the optimal spatial distribution of development within the Garden Village study area, the infrastructure requirements needed to support the development viability and delivery plan.

Alternative Options Considered and Reasons for Rejection

The Masterplan and Delivery Strategy will be subject to option development that could comprise three options as per the report

Resolved

- (1) That Cabinet noted and welcomed the steps taken to establish a Garden Village at Huncoat which would provide a major opportunity for housing and employment growth in the Borough; and**
- (2) That Cabinet noted that Arcadis Consultancy (UK) Limited had been selected to support the Council in preparing a Masterplan and Delivery Strategy for the**

proposed Huncoat Garden Village as set out in the report attached to the agenda; and

- (3) That Cabinet noted and welcomed that key stakeholders and residents would be consulted on the emerging vision for a Huncoat Garden village as set out in the report.

81 Exclusion of the Public

Resolved

- That, in accordance with Section 100A(4) Local Government Act 1972, the public be excluded from the meeting during the following item, when it was likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that there would otherwise be disclosure of exempt information within the Paragraph at Schedule 12A of the Act specified at the item.

82 Lease of the Coach House building at Rhyddings Park in Oswaldtwistle

Exempt Information under the Local Government Act 1972, Schedule 12A, Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The Deputy Leader of the Council and Portfolio Holder for Environmental Services submitted a report to seek Cabinet approval to grant a lease for the coach house at Rhyddings Park to The Friends of Rhyddings Park.

Approval of the report was not deemed a key decision.

Reasons for Decision

The reasons for the decision were set out in the exempt report.

Alternative Options Considered and Reasons for Rejection

The alternative options considered and reasons for rejection were set out in the exempt report.

Resolved

- (1) That Cabinet agreed to lease the Coach House building in Rhyddings Park to the Friends Of Rhyddings Park; and
- (2) That Cabinet granted delegated authority to the Head of Housing & Regeneration to agree the terms of the lease and complete with the Friends of Rhyddings Park.

83 Report of Urgent Cabinet Decision- Joint Housing & Economic Needs Assessment

Exempt Information under the Local Government Act 1972, Schedule 12A, Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The Leader of the Council submitted a copy of an exempt signed Urgent Cabinet Decision form and accompanying exempt report relating to the use of the Urgent Cabinet Decision Procedure in respect of a decision to waive the Council's contract procedure rules for undertaking a joint housing and economic needs assessment with Blackburn with Darwen Council.

Approval of the report was not deemed a key decision.

Reasons for Decision

The reasons for the decision were set out in the exempt decision form and accompanying exempt report.

Alternative Options Considered and Reasons for Rejection

The alternative options considered and reasons for rejection were set out in the exempt report.

Resolved - **That the use of the Urgent Cabinet Decision Procedure be noted.**

84 Leisure in Hyndburn Financial Loan

Exempt Information under the Local Government Act 1972, Schedule 12A, Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The Portfolio Holder for Education, Leisure and Arts submitted a report seeking Cabinet approval for a loan to be made to Leisure in Hyndburn.

Approval of the report was not deemed a key decision.

Reasons for Decision

The reasons for the decision were set out in the exempt report.

Alternative Options Considered and Reasons for Rejection

The alternative options considered and reasons for rejection were set out in the exempt report.

Resolved - **That the loan to Leisure in Hyndburn on the terms set out in the report be approved.**

85 Proposed Disposal of Land at Walmsley Avenue & Walmsley Street, Rishton

The following items were submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being that the information contained in the reports were not available by the publication deadline.

Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The Portfolio Holder for Housing and Regeneration submitted a report to seek Cabinet's approval for the disposal of Council owned public open space off Walmsley Avenue and Walmsley Street, Rishton for residential development as set out in the report.

Reasons for Decision

The reasons for the decision were set out in the exempt report.

Alternative Options Considered and Reasons for Rejection

The alternative options considered and reasons for rejection were set out in the exempt report.

Resolved - **That the recommendations as set out in the report be approved.**

86 Appointment of Consultant Facilities Management (FM) Function- Request to waive the Council's Contract Procedure Rules

Exempt Information under the Local Government Act 1972, Schedule 12A, Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The Portfolio Holder for Housing and Regeneration submitted a copy of an exempt signed Urgent Cabinet Decision form and accompanying exempt report relating to the use of the Urgent Cabinet Decision Procedure in respect of a decision to waive the Council's contract procedure rules for the appointment of consultant facilities management function.

Approval of the report was not deemed a key decision.

Reasons for Decision

The reasons for the decision were set out in the exempt decision form and accompanying exempt report.

Alternative Options Considered and Reasons for Rejection

The alternative options considered and reasons for rejection were set out in the exempt report.

Resolved - **That the use of the Urgent Cabinet Decision Procedure be noted.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed